N/S Caspian Road, 1100' NW of lith Election District 5th Councilmanic District

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

Kathleen J. Miller, et al Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

.

* BEFORE THE

* Case No. 94-204-SPH

This matter comes before the Zoning Commissioner as a Petition for Special Hearing filed by the owner of the subject property, Kathleen J. Miller, and her mother, Ruth Elaine Lang. The Petitioners request a special hearing to approve a granny apartment, including a kitchen, within the proposed dwelling on the subject property, in accordance with Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Kathleen J. Miller, owner of the subject property. There were no Protestants.

Testimony indicated that the subject property, known as 12020 Caspian Road, consists of 1.464 acres, more or less, zoned R.C. 5 and is currently unimproved. The Petitioners propose to construct a single family dwelling on the property with an apartment for Mrs. Miller's mother, Ruth Elaine Lang. Mrs. Miller testified that she would like to provide separate living quarters for her mother so that her mother can remain independent, even though she would be living under the same roof. Testimony revealed that Mrs. Miller has two children, ages 6 and 9, and that her mother is 72 years of age. Mrs. Miller testified that the proposed apartment would have a living room, kitchen, bedroom and bath and would be accessed only through the main dwelling. There would be no outside entrance. In support of their request, the Petitioners submitted signed statements from several

of their immediate neighbors indicating they have no objections to their

It is to be noted that the Petitioners specifically requested permission to keep the proposed apartment kitchen after Ms. Lang no longer resides there, citing the financial burden such removal would impose. The zoning regulations are clear that a second kitchen within a single family dwelling, regardless of its intended purpose, changes the use of the dwelling to that of a multi-family dwelling, which is not permitted. Therefore, the second kitchen must be removed once Ms. Lang vacates the apartment.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted, subject to certain restrictions. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, or general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of January, 1994 that the Petition for Special Hearing to approve a granny apartment, including a kitchen, within the proposed dwelling on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

> > - 2-

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

The relief granted herein for a granny apartment is limited to use by Mrs. Miller's mother, identified at the hearing as Ruth Elaine Lang. At such time as Ms. Lang no longer resides on the subject property, the Petitioners shall remove the kitchen from the apartment.

3) There shall be no public rental of the subject apartment. In addition, no other family members shall be permitted to reside in the apartment.

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

reversed, the relief granted herein shall be rescinded.

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

- 3-

DESCRIPTION OF LOT NO.3, 94-204-5PH

QUINN PROPERTY, TO ACCOMPANY

PETITION FOR SPECIAL HEARING.

11TH ELECTION DISTANT

BALTIMORE COUNTY, MARYLAND

BEGINNING AT A POINT SITUATE ON THE WEST SIDE OF CASPIAN

INTERSECTION OF THE CENTER OF OMEGA COURT AND THE CENTER

OF CASPIAN ROAD, THE COORDINATES OF SAID POINT OF BEGINNING

BEING NORTH 56,550 FEET AND EAST 60,320 FEET, THENCE LEAVING

SAID PLACE OF BEGINNING AND RUNNING THE 13 FOLLOWING COURSES

1) South 89 degrees 58 minutes 22 seconds West 15.03 feet,

2) South 73 Degrees 43 minutes 00 seconds West 114.68 FEET,

3) South 51 degrees 00 minutes 00 seconds West 166.83 FEET.

4) South 05 degrees 59 minutes 08 seconds West 217 34 FEET.

5) South 27 degrees 19 minutes 00 seconds East 35.02 feet.

6) South 86 Degrees 29 MINUTES 00 SECONDS EAST 279.99 FEET.

7) South 05 degrees 37 minutes 48 seconds West 175.00 feet.

8) South 88 degrees 38 minutes 05 seconds West 302.61 FEET,

9) North 20 degrees 11 minutes 12 seconds West 45.25 feet.

10) North 05 degrees 59 minutes 08 seconds East 386.33 feet, 11) North 51 degrees 00 minutes 00 seconds East 179.13 feet,

12) North 73 Degrees 43 minutes 00 seconds East 118.12 FEET

13) North 89 degrees 58 minutes 22 seconds East 16.46 feet

TO THE WEST SIDE OF CASPIAN ROAD, THEMCE RUNNING AND BINDING

ROAD AT THE DISTANCE OF 1,100 FEET MEASURED FROM THE

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

MAISTE & WATTS, INC.

AND DISTANCES, VIZ:

SURVEYORS and ENGINEERS

CERTIFICATE OF POSTING

Baltimore County Government

Office of Planning and Zoning

Zoning Commissioner

January 7, 1994

Enclosed please find a copy of the decision rendered in the

In the event any party finds the decision rendered is unfavor-

Very truly yours,

Some follows

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

above-captioned matter. The Petition for Special Hearing has been granted

able, any party may file an appeal to the County Board of Appeals within

thirty (30) days of the date of this Order. For further information on

filing an appeal, please contact the Zoning Administration and Invelopment

W/S Caspian Road, 1100' NW of the c/l of Omega Court

11th Election District - 5th Councilmanic District

Kathleen Joan Miller, et al - Petitioners

9342 Oak White Road, Baltimore, Md. 21236

Newton A. Williams, Esquire

Towson, Maryland 21204

210 West Pennsylvania Avenue, Suite 700

in accordance with the attached Order.

RE: PETITION FOR SPECIAL HEARING

(12020 Caspian Road)

Case No. 94-204-SPH

Management office at 887-3391.

cc: Mrs. Kathleen J. Miller

People's Counsel; File

Dear Mr. Williams:

LES:bjs

Printed on Recycled Pape

(410) 887-4386

Towner, Maryland	
District 11th Posted for: Special Heaving	Date of Posting 1/2/93
Politices: Kothloom Millo, 4 Ruthla	24
Location of property: LZEZO C. #2P16-1	,
Location of Signer Foury foodury 15 2	preferty bring was
Remarks:	· · · · · · · · · · · · · · · · · · ·
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CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

210 W. Pennsylvania Avenue; 823-7800

Towson, Maryland 21204

for the property located at 12020 CASPIAN RD 94-204-SPIT This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County,

to determine whether or not the Zoning Commissioner should approve a granny apartment, with a second kitchen (2 dwellings in one house)

(See attached Justification)

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
ngct Purchaser/Lessee	Legal Owner(s)
e or Print Name)	KATHLEEN JOAN MILLER
	Nachtun Jaan Mille
	PUTH ELAINE LANG
State Ziecode	Buth Elaine Jang
	9342 DAK WHITE RD W 887-0117
FION A. WILLIAM, ESQUIRE AN. PLUMHOFF & HILLIAMS, CHTD.	Type of Part Name Whath Elaine Jang Signature H. 252-3584 9342 DAK WHITE RD W 887-0117 Phone No BATIMORE HD 21236 Cay Base Docode
Revotor a. Williams	Name, Address and phone number of representative to be contacted Newton A. Williams
Court Towers W. Pennsylvania Avenue; 823-7800	700 Court Towers 210 W. Pennsylvania Avenue: 823-7800

JUSTIFICATION STATEMENT 94.204.517 That the requested special hearing relief, namely a granny-apartment, with a second kitchen (two dwellings in one

house) should be granted for the following reasons: 1. That externally the dwelling will give no evidence of a temporary second apartment to be used by the mother-in-law, and will appear completely in keeping with its neighbors.

2. That Mrs. Ruth Elaine Lang, Mrs. Miller's mother, and a joint owner of the subject property, is a senior citizen, and plans to reside in the granny-apartment.

3. That granny and in-law apartments have been granted many times in Baltimore County, and that this subject request is completely in line with those earlier requests. The applicants are prepared to meet any requirements or restrictions which may be placed on the use of this apartment; which will be strictly for Mrs. Lang and will not be used by any other relative, rented out or used by any other party whatsoever.

4. That the requested relief will allow the Millers and their extended family, Mrs. Ruth Elaine Lang to reside in one dwelling, a long standing American tradition, while at the same time allowing each family the use and privacy of its own kitchen facilities, as well as their own separate living quarters, when privacy is desired.

5. That without the requested relief, the Millers and Mrs. Lang will experience practical difficulty and unreasonable hardship, and the requested relief is in conformity with the spirit and intent of the Regulations, and will not in any way harm the health, safety and welfare of the area involved.

6. For such other and further reasons as shall be brought out at the time of the hearing hereon.

> Newton a. Williams Noten, Plumboff Millions NOLAN, PLUMHOFF & WILLIAMS, CHTD. 700 Court Towers 210 W. Pennsylvania Avenue Towson, Maryland 21204 (410) 823-7800

Attorneys for the Petitioners

Ruth Elaine Land and Kathleen Joan Miller

TO THE PLACE OF BEGINNING.

CONTAINING 1.464 ACRES OR 63.772 SQUARE FEET OF LAND.

14) South 00 degrees 01 minutes 38 seconds East 10.00 FEET

2923 Chenoak Avenue

(301) 882-0321

Baltimore, Maryland 21234

Account: R-001-6150

1 RES LOT SPECIAL LETRING FUNG FOR 030 \$50.00

94-204-SPH

CONVERS MILLER AND LANG LOC 12020 CASPIPALKD

Please Make Checks Payable To: Baltimore County

(410) 887-3353

1 SIGN PESTING CODE 080 35.00 TOTAL 85.00

Baltimore County Government

Office of Zoning Administration

and Development Management

December 3, 1993

Petitioner: Kathleen J. Miller and Ruth E. Lang

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on November 12,

The following comments are related only to the filing of future zoning petitions and are simed at expediting the petition filing process

1. The director of Zoning Administration and Development Management

the necessity of a preliminary review by zoning personnel.

has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without

each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning

commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing

บรักปริสาราสาราสาราสารา

111 West Chesapeake Avenue

Newton A. Williams, Esquire

210 W. Pennsylvania Avenue

Towson, Maryland 21204

700 Court Towers

Dear Mr. Williams:

on this case.

Nolan, Plumhoff & williams, Chartered

RE: Case No. 94-204-SPH, Item No. 204

Petition for Special Hearing

1993, and a hearing was scheduled accordingly.

Towson, MD 21201

State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

(Revised 04/09/93)

11-2293

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Re: Baltimore County Item No.: 4 204 (JLL)

Towson, Maryland 21204 Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Baltimore County Government Office of Zoning Administration and Development Management

CONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to

the general public/neighboring property owners relative to property

This office will ensure that the legal requirements for posting and

advertising are satisfied. However, the petitioner is responsible for

1) Posting fees will be accessed and paid to this office at the

2) Billing for legal advertising, due upon receipt, will come

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Petitioner: <u>SAME</u>

NAME: MU CARL MILLER

ADDRESS: 9342 OAK WHITE AD

from and should be remitted directly to the newspaper.

a sign on the property and placement of a notice in at least one

newspaper of general circulation in the County.

the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

For newspaper advertising:

PLEASE FORWARD ADVERTISING BILL TO:

134-70 Mp. 71236 PHONE NUMBER: 256-3584

Item No.: 204

time of filing.

which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting

94-204-SPH

111 West Chesapeake Avenue

Towson, MD 21204

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Melling Address: P.O. Box 717 • Beltimore, MD 21203-0717 Street Address: 707 Horth Calvert Street • Baltimore, Maryland 21202 TO: PUTUKENT PUBLISHING COMPANY 11/26/93 Issue - Jeffersonian

(410) 887-3353

Please foward billing to:

Mr. Carol Miller 9342 Oak White Road Baltimore, Maryland 21236 410-256-3584

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Townon, Maryland 21204

CASE NUMBER: 94-204-SPH (Item 204) 12020 Caspian Road W/S Campian Road, 1100' NW of c/l Omega Court 11th Election District - 5th Councilmanic Petitioner(s): Kathleen Joan Miller and Ruth Elaine Long HEARING: MONDAY, DECEMBER 13, 1993 at 10:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve a granny apartment, with a second kitchen (two dwellings in one house).

LAMREDICE E. SCHPILDT ZOWING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NOTICE OF HEARING

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows

MITTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

NOTICE OF HEARING

Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towners, Maryland 21204

Special Hearing to approve a granny apartment, with a second kitchen (two dwellings in one house)

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

County, will hold a public hearing on the property identified herein in

(410) 887-3353

Printed with Soybean Int. on Recycled Paper

111 West Chesapeake Avenue

Towson, MD 21204

111 West Chesapeake Avenue Towson, MD 21204

MOVEMBER 19, 1993

12020 Caspian Road

CASE NUMBER: 94-204-SPB (Item 204)

W/S Campian Road, 1100' NW of c/1 Omega Court

Petitioner(s): Kathleen Joan Miller and Ruth Elaine Long

HEARING: MONDAY, DECEMBER 13, 1993 at 19:00 a.m. in Rm. 118, 014 Courthouse.

11th Election District - 5th Councilmanic

cc: Kathleen Miller and Ruth Lang Newton A. Williams, Esq.

BALTIMORE COUNTY, MARYLAND

Arnold Jablon, Director Zoning Administration and Development Management

DATE: November 29, 1993

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

Petitions from Zoning Advisory Committee

Item Nos. 200, 202, 204, 205, 206, 207, 208, 209, 210, 213, 216 and 217. If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

The Office of Planning and Zoning has no comments on the following petition(s):

INTER-OFFICE CORRESPONDENCE

PK/JL: lw

ZAC.202/PZONE/ZAC1

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

December 15, 1993

Mss. Kathleen J. Miller and Ruth E. Lang 9342 Oak White Road Baltimore, Maryland 21236 RE: Case No. 94-204 SPH, / Item No. 204

Petition for Special Hearing 12020 Caspian Road

Dear Mss. Miller and Lang:

Enclosed are copies of comments received from the Department of Environmental Protection and Resource Management on December 15, 1993 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

> Sincerely, Charlotte Mentin

Charlotte Minton

Enclosure

Printed with Bayboom Inh.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT INTER-OFFICE CORRESPONDENCE

December 15, 1993

TO: Mr. Arnold Jablon, Director Zoning Administration and Development Management

OM: J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #204 - Miller/Lang 12020 Caspian Road

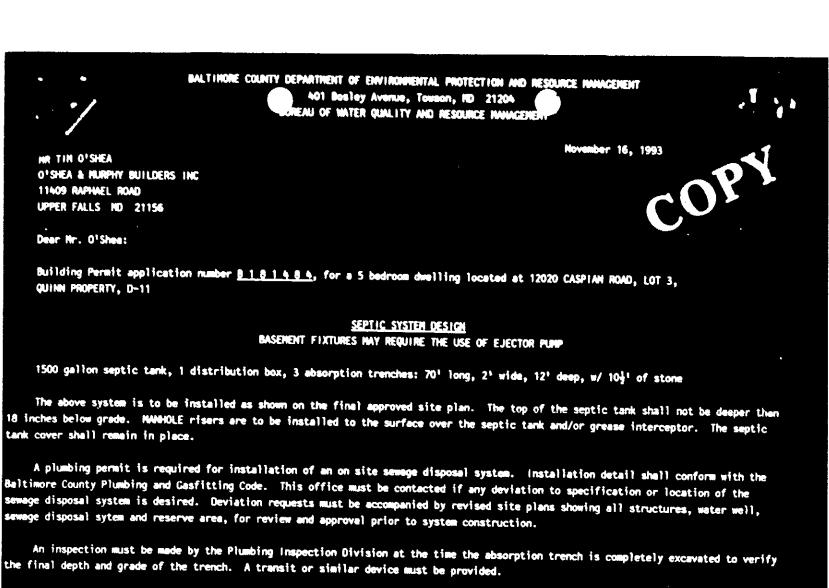
Zoning Advisory Committee Meeting of November 22, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Groundwater Management

Approval of the proposed granny-apartment will predicate additional septic tank capacity to the septic system approved under building permit application #B181484. If proposal is approved, applicant is advised to contact Groundwater Management Program at 887-2762 for revision of septic system.

JLP:ES:sp CASPIAN/DEPRM/TXTSBP



MATER SUPPLY SYSTEM

The water well yield test for well # BA-88-4054, performed by Jones Well Drilling on 4/16/93 indicates the yield of 16.67 gallons per minute after 3 hours of continuous pumping and a well depth of 204 feet. In accordance with Section 13-117 of the Baltimore County Code, this test shall be valid until 4/16/96, for the purpose of conveyance of the property. This does not constitute, in any form or manner, a guarantee by this office, of continuous water well yield.

Prior to occupancy of any new building served by a water well, bacteriological and chemical samples must be collected for analysis.

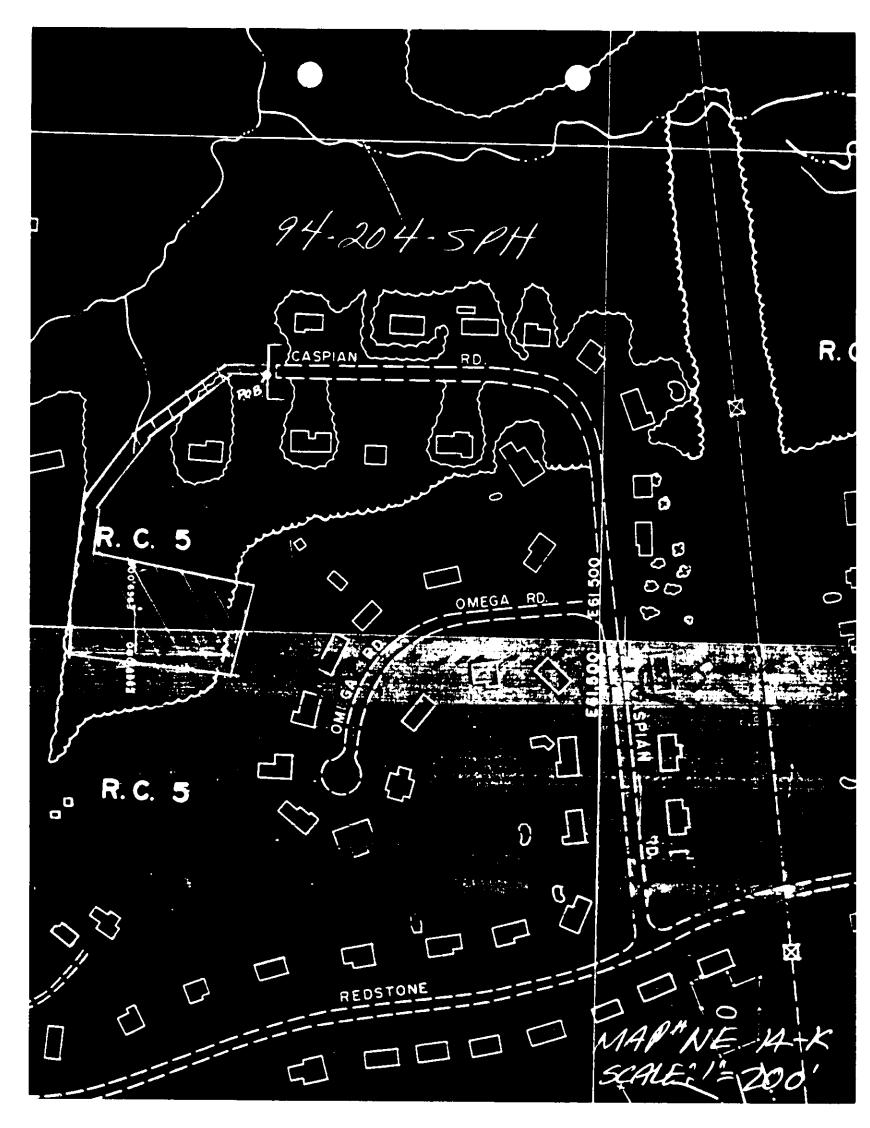
In order to avoid unnecessary delays, it is suggested that the water supply system be connected to the building and disinfected as soon as possible so that the necessary sampling can be accomplished. If assistance is required for water sample collection and analysis please call 887-2762.

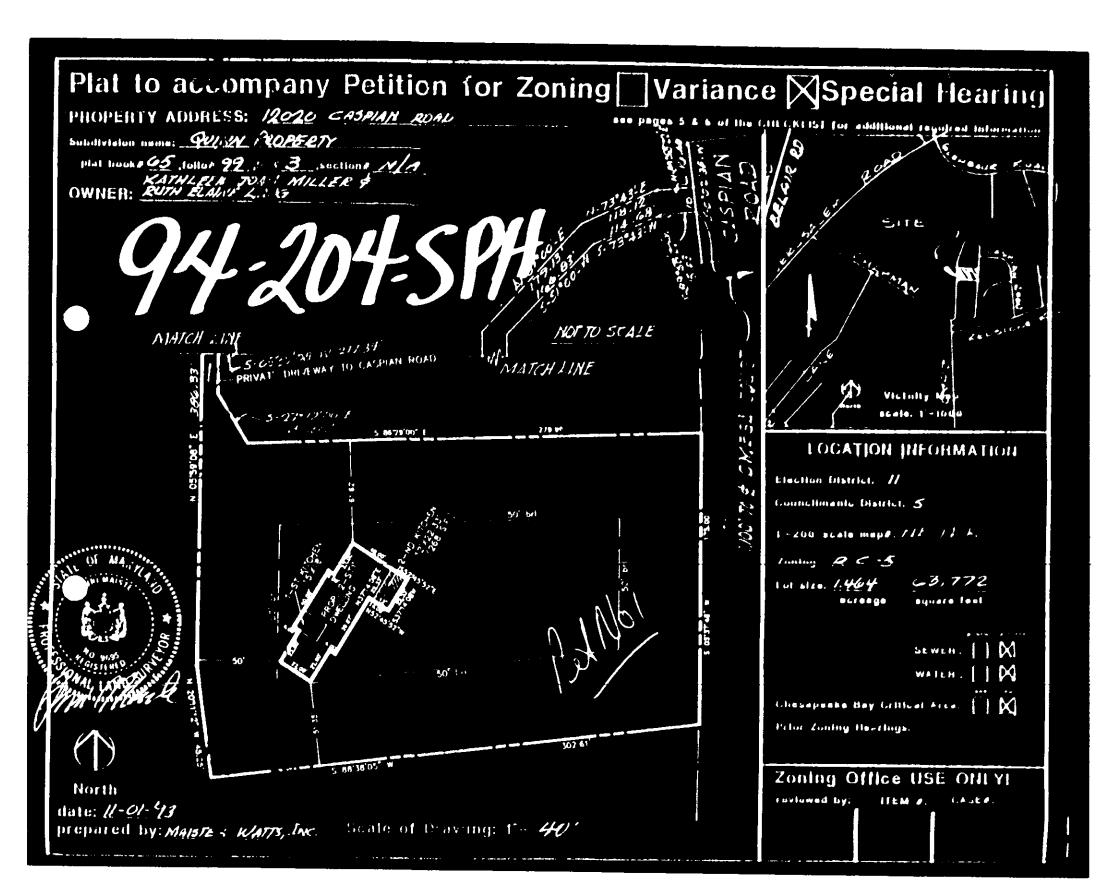
If there are any questions regarding the above, please contact Mr. Susan S. Farinetti at (410) 887-2762.



. JRP:pj *3A 26m 8'C0-8' BLA 8-16' BB C0-7' BLA 7-17'

CO-61 BLA 6-151R







Dearie C. Heishin

I / We, the undersigned, support the request of Carl and Kathleen Miller to locate an apartment with Kitchen facilities within their residence at 12020 Caspian Rd. The apartment is to be used exclusively by Ruth lang, Kathleen's mother.

DIANE HUSKIUS 7814 CHAPMAN B), KINGSVILLE, MD. 21087

Cindy McKew Bynthia a mikew

7816 Chapman RD Kingsville, Md 21087

Mary Janusz Kiewicz Mary Januszkieweg 1904 Omega Ct Kingsville Md 21087

Susan 1 Kall Susan 11.7 1818 Claymon KD Kingsville MD 21087

Manuel A. Quinn
720 Chapman Rd.
Kingsnille, MO 21087

